

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN CRAIG ARTIST

TOWN COUNCILMAN DAVID BRINK – absent

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR NICKY B. WOERNER

Steve Engelhardt – Stated that the open development plan, in regard to 440 Flatbush Road, needs to be worked out closely by the Town Board and with the Town Planning Board. Further, he noted that there is a house on the property and that it is not a vacant piece of land.

Mr. Christopher Kresser – Inquired about the Birches at Chambers project not meeting the Ulster Code 194 fire lane requirements. He disagreed with it complying with the Town's height requirements.

Town Attorney Mary Lou Christiana – Stated that the Town Planner stated that all the requirements were met. The resolution will be going through a SEQRA Review.

Mr. Fox – He offered some computations that showed that the current proposal of the Birches at Chambers project is oversized for the area. He will submit them to the Town Board for review. He expressed his concern about too much development being placed into to a small area.

Mr. Reno Budziak – Read a letter protesting the actions of Mary Lou Christiana, special council for the Town for The Birches at Chambers project, who imposed recusal on his part from participating in the process.

A discussion occurred about the progress of the PILOT program for the Birches at Chambers. Information is still pending before any negotiations can begin.

COMMUNICATIONS

A letter was read from Kingston-Ulster Airport requesting the Town Board approve a resolution to authorize the Town Supervisor to execute SEQRA Agency Compliance Statement.

Supervisor Woerner motioned to approve the following resolution:

WHEREAS, Kingston-Ulster Airport, Inc. is receiving a grant under the New York State Transportation Bond Act Business Airport Development Program funded by the Rebuild and Renew New York Transportation Bond Act of 2005 to pay 90% of the allowable costs incurred in accomplishing the following projects at Kingston-Ulster Airport:

- Installation of an AWOS-III station at the airport

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

- Construct T-Hangar and associated taxi lanes
- Upgrade the existing fuel farm to accommodate credit card purchases and sell Jet-A Aviation fuel

WHEREAS, the New York State Department of Transportation requires all airport sponsors to submit Agency Compliance Statements in accordance with the State Environmental Quality Review Act (SEQRA), signed by the lead agency, indicating each project's environmental classification under SEQRA. NOW, THEREFORE, BE IT

RESOLVED, it has heretofore been determined by the Town Board, under Part 617 of the State Environmental Quality Review Act (SEQRA), of the State of New York, that the aforesaid projects, including basic data collection, research and engineering studies, constitute a Type II Action which will not have a significant impact upon the environment. The Supervisor of the Town of Ulster is hereby authorized to sign and date form DV-21-RI Agency Compliance Statements, as attached herewith;

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Ulster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Kingston-Ulster Airport; and, be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

2nd by Councilman Secreto
4 Ayes – Councilman David Brink was absent

Supervisor Woerner recognized Reno Budziak's letter that was read as part of the communications and asked the Town Clerk to keep the letter on file for review.

COMMITTEE REPORTS

Councilman Joel B. Brink reported from the Personnel Committee that a person was hired part-time at the Transfer Station.

Councilman Secreto reported from the Finance Committee, that the abstract was reviewed and he thanked all the people who participated.

Councilman Secreto reported from the Highway Committee, that the leaf pick-up is moving along. He asked the public to use the paper bags and not the plastic.

Councilman Secreto reported from the Waste Water and Water Committee, that there was a sewer break on Orlando Street that is being repaired. Councilman Joel B. Brink further reported that there were extensive repairs being done to the Ulster Sewer Plant as well.

Supervisor Woerner reported from the Insurance and Safety Committee that he is reviewing an insurance policy called MVP Gold for the town's retirees that may offer a cost savings.

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Councilman Secreto reported from the Recreation Committee, that the Biddy Basketball League is starting. He further reported that Halcyon Park received a free fence valued at \$6,000 from Herzogs and that Mertine Fencing volunteered to installed it. He thanked those companies for their generosity.

Councilman Artist reported from the Information Services Committee that the computer bids were received and he hopes to act on them at the December 4, 2006 meeting.

DEPARTMENT HEAD REPORTS

Assessor's Office – Mr. James Maloney, the Town Assessor, reported that all the enhanced STAR forms have been sent out. He attended a meeting with Real Property about the 2008 reevaluation project. Further as Flood Coordinator he has to resubmit an updated application for flood aid. There has been no date set for a Phase II flood mitigation program. He has received calls from residences on Orlando Street that there is still some flood debris left over. He has asked them to pile it up neatly on their property and contact the highway department to remove it on their off day of work. The Town Board agreed with Mr. Maloney that the town would no longer host any central flood debris pick-up. The Hazard Committee has met with Arthur Synder from Ulster County Emergency Management and it was recommended that the Town expand the committee. He suggested a meeting be set up to discuss it. He requested permission from the Town Board to attend the NY State Town Association Meeting.

Supervisor Woerner motioned to allow Mr. James Maloney to make preparation to attend the State Association of Towns meeting in February.

2nd by Councilman Artist

4 Ayes – Councilman David Brink was absent

Supervisor Woerner requested that Mr. Maloney contact Albany about the town using a homestead and non-homestead tax rate and set up a meeting to discuss it.

Building Department – The monthly report was read by the Building inspector Marty Petersen.

Town Clerk – The monthly report was read by Town Clerk Cosenza.

Supervisor Woerner motioned to authorize Town Clerk Cosenza to go out to bid for the Town of Ulster Police Fleet maintenance contract for the Town

2nd by Councilman Artist

4 Ayes – Councilman David Brink was absent

Water Department – The monthly report was read. Once the City of Kingston releases water to the East Kingston Water District the system will be in service.

Police Department- Supervisor Woerner stated that the Police Commission will be meeting tomorrow. Police Chief Watzka was unable to attend.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Supervisor Woerner motioned to approve the minutes of October 2, 2006, October 3, 2006, October 16, 2006 and October 24, 2006.

2nd by Councilman Secreto

4 Ayes – Councilman David Brink was absent

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Councilman Joel B. Brink motioned to approve the following:

ABSTRACT OF CLAIMS

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	1101-1138	10,400.62
ULSTER WATER	1101-1108a	9,614.51
HALCYON PK. WATER	1101-1102	327.88
SPRING LAKE WATER	1101-1104	267.48
BRIGHT ACRES WATER	1101	147.70
GLENERIE WATER	1101-1102	32.13
WHITTIER SEWER	1101-1103	1,319.18
ULSTER SEWER	1101-1107	16,810.95
SPECIAL LIGHT	1101-1106	2,819.11
ALL OTHERS		
GENERAL	1101-11169	112,581.17
HIGHWAY	1101-1146	200,449.36
WHITTIER SEWER	1101-1105	834.47
ULSTER SEWER	1101-1125	11,284.86
ULSTER WATER	1101-1119	10,533.02
HALCYON PK. WATER	1101	25.00
SPRING LAKE WATER	1101-1102	29,578.60
BRIGHT ACRES WATER	1101-1104	1,478.84
CHERRY HILL WATER	1101	25.00
GLENERIE WATER	1101	25.00
EAST KINGSTON WATER	1101-1102	787.38
INSURANCE (ALL FUNDS)	1101-1117	92,432.52
CAPITAL PROJECTS		
TRUST & AGENCY	1101-1120	24,996.07
GLENERIE WATER LATERALS	1101-1113	29,805.00
	TOTAL	\$ 556,575.85

2nd by Councilman Secreto

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Supervisor Woerner motioned to approve the following as submitted:

Budget Modifications:

General Fund	Modify Revenue A3089 (St Aid, other Gen. Aid) and Appropriation A1620.400 (Court Assistance Grant) State Grant for court Improvements	3,000.00
General Fund	Modify Revenue A3389 (St. Aid, DARE Program and Appropriation A2989.400 (DARE Program) record DARE Receivable	4,713.00
General Fund	Modify Revenue A1289 (Other Gen. Dept. Income) and Appropriation	

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

	A3120.101 (O.T. Wages) Special Task Force O.T. Reimbursement by Hudson Valley Mall	1,226.40
General Fund	Modify Revenue A2705 (Gifts & Donations) and Appropriation A3120.200 (Equipment) Donation from Sam's Club Foundation for Safe Neighborhood Heroes	1,000.00
General Fund	Modify Appropriation A3121.400 (police-Drug Enforcement) to be funded through A5110 (Approp. Reserve) expenditure for drug use	1,000.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve) payments to Anaconda Sports for basketball equipment and shirts from the Biddy Basketball Reserve	1,302.25
Ulster Sewer	Modify Appropriation SS2-8130.400 (Plant Improvement) to be funded through SS2-5110 (Approp. Reserve) retainages to Harkins Mechanical and Arold Paving	11,290.35
Ulster Sewer	Modify Appropriation SS2-8130.400 (Plant Improvement) to be funded through SS2-5110 (Approp. Reserve) payments to Brinnier (\$1,850.00) and Harkins Mechanical (\$37,643.75)	39,643.75
Highway	Modify Revenue D3502 (St. Aid,Multi Modal) and Appropriation D5110.401 (Multi-Modal 2000 Project) Reconstruction Grant for Eastern Parkway and Glenerie Blvd.	100,000.00
Highway	Modify Appropriation D5110.401 (Multi-Modal 2000 Project) to be funded through D5990 (Approp. Fund Balance) Town Share construction cost of Eastern Parkway and Glenerie Blvd.	92,818.00
General Fund	Modify Appropriation A1930.400 (Judgement & Claims) to be funded through A5990 (Approp. Fund Balance) payment to Ulster Co. Treasure for PCK Chargeback for years 1999-2002	81,657.82
General Fund	Transfer From	Transfer To
	A1220.400 Contract Exp.	A1220.403 Off. Suppl. 250.00
	A1990.400 Contingency	A1320.404 Data Serv. 1,800.00
	A1355.418 Legal/Profess	A1420.400 Legal Serv. 8,000.00
	A1190.400 Contingency	A7110.426 Rep,Constr. 24,000.00
	A1190.400 Contingency	A8160.401 Dump.Cost 42,000.00
	A1621.409 Rep.&Suppl	A1621.407 Electric 500.00
	A3310.433 Two-Way Radios	A3310.100 Cross.Gd.Wages 150.00
	A3620.405 Conf.&Schooling	A3620.421 Veh. Main. 1,000.00
	A3620.403 Off.Suppls.	A3620.421 Veh Maint 300.00
	A5133.400 Rent-Maxwell Pl	A5132.454 Maint. 5,000.00
	A7140.400 Program Suppls.	A7110.102 Pks/Grnd Wages 1,867.00
	A7140.400 Program Suppls.	A7110.406 Phone 550.00
	A7140.400 Program Suppls.	A7110.420 Gas & Oil 800.00

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Highway Fund	Transfer From		Transfer To		
	D5110.400	Gas & Oil	D5110.400	Blacktop	10,000.00
	D5110.420	Gas & Oil	D5110.443	Pipe, Posts	1,900.00
	D5110.438	Engineering	D5110.400	Street Prog.	3,000.00
	D5110.445	Blasting	D5110.443	Pipe, Posts	3,000.00
	D5110.442	Road Oil	D5110.400	Street Prog.	3,500.00
	D5142.449	Calcium	D5130.428	Solvents	2,000.00
	D5142.449	Calcium	D5130.422	Equip.Maint.	4,000.00
Ulster Water	Transfer From		Transfer To		
	SW1-8310.101	Overtime	SW1-1380.400	Paying Agent	6,316.00
	SW1-8320.400	Engin.Servs.	Sw1-1910.400	Unalloc.Insur.	712.00
	SW1-8320.400	Engin.Servs.	SW1-8310.200	Computer Equip	26.00
	SW1-8320.400	Engin.Servs.	SW1-8320.423	Suppl-Tools	700.00
	SW1-8320.400	Engin.Servs.	SW1-9080.800	Employ.Liab.	500.00
Halcyon Park	Transfer From		Transfer To		
	SW2-8320.409	Rep & Suppl.	SW2-8330.401	Lab Testing	200.00
Bright Acres Water	Transfer From		Transfer To		
	SW4-8320.250	Meters	SW4-83230.409	Rep.& Suppl.	2,000.00
	SW4-8320.250	Meters	SW4-8330.451	Chemicals	200.00
Glenerie Water	Transfer From		Transfer To		
	SW6-8320.407	Electric	SW6-1420.400	Legal Serv	300.00
	SW6-8330.401	Lab Testing	SW6-1420.400	Legal Serv	200.00
	SW6-8330.401	Lab Testing	SW6-8310.403	Off. Suppl.	130.00

2nd by Councilman Secreto

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Proposed Cedar Ridge Subdivision.

A representative of the proposed Cedar Ridge project gave an overview of the venture. The project lies between the Town of Hurley and the Town of Ulster. There are 20 lots, 12 in the Town of Ulster and 8 in the Town of Hurley. They are proposing to install a public road in Hurley subject to approval. The project is off of Lucas Turnpike. It is near the NYS Thruway. There are some drainage improvements. There are wetlands. They are working with the Army Corp of Engineers. There are storm water basins that need to be installed. They propose to establish a drainage improvement district to take care of the basins.

Supervisor Woerner excused himself as Chairman in proceedings concerning the Birchez Associates project. Deputy Supervisor Charles Thomas assumed the chair at 8:10 PM.

Issuance of a State Environmental Quality Review Act (SEQRA) Determination for the Birches at Chambers, Senior Citizens Housing Complex.

Councilman Artist motioned to approve the following:

RESOLUTION SETING FORTH NEGATIVE DECARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Whereas, the Town Board of the Town of Ulster has received application for approval of site plan and special use permit from Birchez Associates, L.L.C. for the development of existing property located within an R-10 Zoning District, adjacent to 411 Chambers Court and located at tax map section 48.49 block lot 20.110 for the construction of Senior Citizen housing; and

Whereas, the applicant submitted a full Environmental Assessment Form to the Town Board; and

WHEREAS, the Town Board declared itself lead agency pursuant to the State Environmental Quality Review Act by resolution dated August 21, 2006; and

Whereas, after duly published notice the Town Board held a public hearing regarding the proposed project; and

Whereas the applicant has submitted supplementary environmental studies relating to traffic impact and community character;

It is hereby resolved that this project constitutes an unlisted action pursuant to SEQRA and that the project will not result in any large and important environmental impacts, and therefore will not have a significant effect on the environment, and therefore a negative declaration is hereby issued in accordance with the State Environmental Quality Review Act.

2nd by Councilman Secreto

A Roll Call Vote was called – 3 Ayes – Councilman David Brink was absent - Supervisor Woerner abstained.

Discussion regarding Issuance of Final Site Plan Approval for the Birches at Chambers, Senior Citizens Housing Complex.

Councilman Artist stated that the matter needed to be tabled until the next meeting because there was not a proper quorum to act on the resolution as per special council's advice.

Supervisor Woerner assumed the chair back at 8:15 PM

Issuance of a State Environmental Quality Review Act (SEQRA) Determination for the Washington Avenue Quick Chek.

Supervisor Woerner motioned to approve the following as submitted:

ISSUANCE OF SEQRA CONDITIONAL NEGATIVE DECLARATION
QUICK CHEK WASHINGTON AVENUE
UNLISTED ACTION - COORDINATED REVIEW

WHEREAS, the Town of Ulster has received a Site Plan Application (P-348) from Quick Chek Corporation pertaining to the development of a proposed gas station with a retail (food) store and a car wash; and

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

WHEREAS, the subject property consists of two separate tax lots totaling approximately 2.5 acres, located within an HC Highway Commercial Zoning District and is located on the easterly side of Washington Avenue and the northerly side of Sawkill Road, as designated on the Tax Maps of the Town of Ulster, as Section 48.014, Block 3, Lots 35 & 37.2; and

WHEREAS, the proposed action more specifically includes demolition of an existing convenience store building and gas station, including removal of existing underground storage tanks, and development of the following new improvements:

An approximately 7,540 SF convenience-type store;

A gas station providing eight fueling islands, two diesel pumps, and installation of related underground storage tanks;

An approximately 1,250 SF separate car wash building; and

Related utility and landscaping improvements; and

WHEREAS, the proposed action has been classified as an Unlisted action, pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617; and

WHEREAS, materials received in support of the proposed action include:

Site Plan Application;

Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, March 1, 2006;

Project Description;

Letter to the Planning Board from William Viola, Jr., PE, Bohler Engineering, PC, May 31, 2006;

Table of Deviations from Zoning Local Law, May 24, 2006;

Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;

Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, August 16, 2006;

Letter to the Town Board from Kenneth Wersted, P.E., Project Engineer, Creighton Manning Engineering, LLP, August 16, 2006;

Letter to the Town Board from Kenneth Wersted, P.E., Project Engineer, Creighton Manning Engineering, LLP, August 17, 2006;

Letter to the Planning Board from Robert A. Leibowitz, AICP, Senior Planner, County of Ulster Planning Board, October 4, 2006;

Part 1 Full Environmental Assessment Form, February 28, 2006, revised to July 5, 2006;

Proposed Scope of Traffic Analysis, Atlantic Traffic & Design Engineers, June 13, 2006;

Traffic Impact Analysis, Atlantic Traffic & Design Engineers, October 2006;

Cover Sheet, Sheet 1 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;

General Notes Plan, Sheet 2 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;

Demolition Plan, Sheet 3 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Site Plan, Sheet 4 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Grading Plan, Sheet 5 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Utility Plan, Sheet 6 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Landscape Plan, Sheet 7 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Lighting Plan, Sheet 8 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Soil Erosion & Sediment Control Plan, Sheet 9 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Detail Sheet (A), Sheet 10 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Detail Sheet (B), Sheet 11 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Detail Sheet (C), Sheet 12 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Detail Sheet (D), Sheet 13 of 13, R.L. Streker, PE, Bohler Engineering, P.C., April 24, 2006, revised to July 5, 2006;
Proposed Floor Plan, A1, Sheet 1 of 4, Gary Kliesch, RA, GK+A Architects, February 13, 2006, revised to July 5, 2006;
Proposed Elevations, A2, Sheet 2 of 4, Gary Kliesch, RA, GK+A Architects, February 13, 2006, revised to July 5, 2006;
Proposed Elevations, A3, Sheet 3 of 4, Gary Kliesch, RA, GK+A Architects, February 13, 2006, revised to July 5, 2006;
Gas Canopy Elevations, Etc, A4, Sheet 4 of 4, Gary Kliesch, RA, GK+A Architects, February 13, 2006, revised to July 5, 2006; and

WHEREAS, the following potential involved agencies have been identified:

Town of Ulster Planning Board;
Town of Ulster Zoning Board of Appeals;
Ulster County Planning Board;
Ulster County Health Department;
Ulster County Department of Public Works;
New York State Department of Transportation;
New York State Department of Environmental Conservation;

WHEREAS, on July 17, 2006, the Town of Ulster Town Board declared its intent to serve as lead agency for the required coordinated environmental review of the proposed Unlisted action and authorized circulation of a notice to other involved agencies declaring said intent; and

WHEREAS, a copy of the authorized notice, Environmental Assessment Form (EAF) and related materials and information were circulated to other involved agencies for the purpose of establishing a lead agency; and

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

WHEREAS, the Town Board considered the proposed action at a its regularly schedule meeting at which time all interested parties were heard; and

WHEREAS, the Town Board has considered the full Environmental Assessment Form, the materials submitted by the applicant in support of its proposal, the comments of the Town professional consultants made via memoranda (which memoranda are incorporated herein by reference), and the verbal commentary made, including public comments, during the Board Meetings and Public Hearing pertaining to the review and evaluation of the proposed action;

SEQR NEGATIVE DECLARATION

NOW THEREFORE BE IT RESOLVED, having received no objections from any other involved agency, and the required minimum thirty (30) day circulation period for the establishment of lead agency having expired, the Town Board hereby confirms its status as lead agency for the coordinated SEQR environmental review of the proposed action; and

BE IT FURTHER RESOLVED, that the Town Board, as lead agency, hereby determines that the proposed unlisted action, as described herein, will not have a significant adverse effect on the environment, provided that the condition set forth herein is satisfactorily addressed, pursuant to SEQR 6 NYCRR Part 617 and further determines that preparation of an Environmental Impact Statement will not be required; and

BE IT FURTHER RESOLVED, that the Town Board, as lead agency, hereby issues the attached Conditional Negative Declaration, which includes the reasons therein in support of the above determination of SEQR Non-Significance (Negative Declaration); and

BE IT FURTHER RESOLVED, that a copy of the attached Conditional Negative Declaration, as issued and adopted herein, shall be circulated and filed in accordance with the requirements of SEQR 6 NYCRR Part 617, as appropriate.

2nd by Councilman Joel B. Brink

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Issuance of Site Plan Approval for the Proposed Rt. 9W Quick Chek.

Supervisor Woerner motioned to approve the following as submitted:

SITE DEVELOPMENT PLAN APPROVAL

QUICK CHEK SITE PLAN 139-1

NYS Route 9W

Section 39.082, Block 2, Lots 3.1 & 4

WHEREAS, the Town of Ulster has received an application for Site Plan Approval (#339-1) from Quick Chek Corporation for the development of approximately 7.5 acres; and

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

WHEREAS, the subject property is located on the easterly side of NYS Route 9W, as designated on the Tax Map of the Town of Ulster as Map Section 39.082, Block 2, Lot 3.1 and Lot 4, within an RC Regional Commercial Zoning District; and

WHEREAS, on October 19, 2006, Final Subdivision Plat Approval was granted by the Town of Ulster Planning Board which reconfigures the existing two tax parcels to create three new building lots:

Proposed lot 3.2, consisting of approximately 3.729 acres;
Proposed lot 3.3, consisting of approximately 0.838 acres;
Proposed lot 3.4, consisting of approximately 2.762 acres; and

WHEREAS, the proposed site development plan action includes the demolition of an existing former single-family residence and related improvements, and subsequent development of the three new lots as follows:

Lot 3.2 is proposed to be developed with a retail facility consisting of approximately 9,000 SF and approximately 52 parking spaces;
Lot 3.3 is proposed to be developed with a bank facility consisting of approximately 4,526 SF and approximately 22 parking spaces; and
Lot 3.4 is proposed to be developed with a Quick Chek retail and gas facility, comprised of an approximately 7,254 SF convenience-type store, an approximately 1,184 SF separate car wash building, a related gas station providing eight fueling islands, two diesel pumps, and approximately 50 parking spaces; and

WHEREAS, the Town of Ulster Town Board recently accepted an Environmental Impact Statement pertaining to potential future by-pass road improvements in the vicinity of the subject property, which plans potentially include the development of a new by-pass road connecting from NYS 199 south of the subject property to NYS Route 9W; and

WHEREAS, some of the proposed improvements associated with the Quick Chek facility will be located in the southerly portion of the subject property, which location has been identified as the anticipated terminus of the by-pass road, as it would form an intersection with NYS Route 9W opposite of Grant Avenue; and

WHEREAS, the applicant is aware of the potential for the future by-pass road to be constructed over portions of the subject property and has offered to deed over that portion of land for establishment of street right-of-way purposes at such time the road project is implemented; and

WHEREAS, the applicant is further aware that any existing aspects of the developed site which may be affected by the proposed new road will be removed accordingly; and

WHEREAS, the applicant has also indicated a willingness to grant an easement to the adjacent Vision Works site immediately adjacent to the south at such time as is desired by that property owner or at the request of the Town; and

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

WHEREAS, materials submitted in support of the proposed action include:

Site Plan Application;

Copies of Deeds, etc;

Site Photos;

Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, March 1, 2006;

Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, April 26, 2006;

Letter to the Planning Board from Bohler Engineering, P.C., April 26, 2006;

Submittal Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;

Response Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, July 5, 2006;

Submittal Letter to the Planning Board from Howard D. Geneslaw, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, September 7, 2006;

Response Letter from Paul Going, P.E. and Alicia Costa, Atlantic Traffic & Design Engineers, with attachments, October 4, 2006;

Submittal and Response Letter from Tung-To Lam and Jeffrey A. Martell, Bohler Engineering, P.C., October 4, 2006;

Proposed Scope of Traffic Analysis, Atlantic Traffic & Design Engineers, Inc., May 25, 2006;

Traffic Impact Analysis, Raymond J. Dipasquale P.E and Paul Going, P.E., Atlantic Traffic & Design Engineers, Inc., dated September 7, 2006;

Stormwater Management Report, Rober L. Streker, P.E., Bohler Engineering, P.C., January 2006, revised to October 2006;

Part 1 Full Environmental Assessment Form, Jeffrey Martell, Design Engineer, January 13, 2006, revised to August 11, 2006;

Project Description;

Table of Deviations from Zoning Local Law;

Proposed Floor Plan, A1, Sheet 1 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;

Proposed Elevations, A2, Sheet 2 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;

Proposed Elevations, A3, Sheet 3 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;

Gas Canopy Elevations, Etc, A4, Sheet 4 of 4, Gary Kliesch, RA, GK+A Architects, January 12, 2006, revised to July 5, 2006;

Cover Sheet, Sheet 1 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;

General Notes Plan, Sheet 2 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;

Demolition Plan, Sheet 3 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;

Overall Site Plan, Sheet 4 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Site Plan, Sheet 5 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Signage Plan, Sheet 6 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Grading Plan, Sheet 7 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Wet Utilities Plan, Sheet 8 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Dry Utilities Plan, Sheet 9 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Landscape Plan, Sheet 10 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Lighting Plan, Sheet 11 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to July 3, 2006;
Soil Erosion & Sediment Control Plan SWPP Site Plan Phase I, Sheet 12 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Soil Erosion & Sediment Control Plan SWPP Site Plan Phase II, Sheet 13 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (A), Sheet 14 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, revised to October 4, 2006;
Detail Sheet (B), Sheet 15 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (C), Sheet 16 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (D), Sheet 17 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (E), Sheet 18 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (F), Sheet 19 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Detail Sheet (G), Sheet 20 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006;
Signage Detail Sheet, Sheet 21 of 21, R.L. Streker, PE, Bohler Engineering, P.C., February 28, 2006, revised to October 4, 2006; and

WHEREAS, a Negative Declaration (pertaining to a larger SEQR Unlisted action for which the proposed site plan action described herein is only a component) was issued in accordance with SEQR 6 NYCRR Part 617, by the Planning Board, as lead agency, on October 19, 2006, pursuant to a coordinated environmental review; and

WHEREAS, on November 3, 2006, pursuant to §145-10 of the Site Plan Review Law, the Planning Board issued its report and recommendation to the Town Board, which describes the proposed action consistency with the applicable site plan findings and recommended approval of the Site Plan with incorporation of certain conditions; and

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

WHEREAS, implementation of the proposed action as designed incorporates several area variances granted on November 1, 2006, by the Ulster Zoning Board of Appeals pertaining to otherwise applicable standards of access aisle width, reduction in off-street loading space, and lighting levels; and

WHEREAS, the proposed action was referred to the Ulster County Planning Board pursuant to General Municipal Law Â§239, l, m and n; and

WHEREAS, in its Referral Response (#2006146) dated August 2, 2006, the Ulster County Planning Board required the following modifications:

Coordination with NYSDOT to handle left-hand turning movements to and from the site at the signalized intersection of Route 9W and Grant Avenue, with right-in and right-out movements allowed only at the proposed northern curb-cut;

Completion of a 10-year traffic study;

Addition of street trees to the proposed low-growing landscaping along the frontage of the site, at a minimum distance of 40 ft.;

Provision of a detailed phasing plan, with attention to landscaping and the proposed sidewalks along the entire frontage during the initial phase; and

WHEREAS, the Town Board has considered the application materials submitted by the applicant in support of the proposed action, has considered the comments of the Board's consultants made via memoranda (which memoranda are incorporated herein by reference) and verbal commentary during the Town Board meetings;

SITE DEVELOPMENT PLAN APPROVAL

NOW THEREFOR BE IT RESOLVED, that the Town Board has reviewed the comments of the Ulster County Planning Board in the context of the Planning Board Report and Recommendation to the Town Board and hereby makes the following determinations:

Coordination with NYSDOT has been ongoing and approvals will be required to be obtained prior to issuance of any Building Permit;

A Traffic Study has been completed in accordance with the comments from the County and from the Town's Consulting Traffic Engineer;

A detailed Landscaping Plan has been provided and the additional comments of the County shall be incorporated into the conditions of this approval;

Provision of a detailed phasing plan will be required as a condition of this approval; and

BE IT FURTHER RESOLVED, that upon full consideration of the above, the Town Board hereby finds that the application of Site Plan Approval from Quick Chek Corporation as described herein is consistent with the provisions and policies of Chapter 145 and of the Code of the Town of Ulster and said Site Plan is hereby approved, subject to the following conditions; and

PRIOR TO ENDORSEMENT OF FINAL PLANS

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

The following conditions shall be completed by the applicant prior to endorsement of the Site Plan as Final:

1. Approval from the Ulster County Health Department shall be obtained, copies thereof provided to the Town Board and Building Inspector, and any changes to the plans as a result shall be detailed and submitted to the Town Board and/or Planning Board for its review and approval.
2. All requirements of the Town Engineer and Sewer and Water Departments regarding drainage, sewer and water improvements shall be satisfactorily addressed.
3. A legal Memorandum of Understanding (MOU) in a form, content and manner of execution acceptable to the Town Attorney shall be enacted between the Town Board and the applicant to formalize the applicant's acknowledgment of the potential for a future road to be constructed on the southerly portion of the subject property, affecting the disposition of certain improvements which may be built thereon.
4. Within six (6) months of the date of this Resolution of Approval, the applicant shall furnish two (2) originals of the Site Plans for final review by the Planning Consultant and endorsement by a Town Board and Planning Board Member as the final Site Plan. This Resolution authorizes only the activities approved herein and as delineated on the signed and filed final Site Plan. Any alterations or modifications to the approved Site Plans shall require prior review and approval.
5. The applicant shall finalize the Site Plans for final review as follows:
 - a. An original signature of the applicant/owner (as indicated by deed) shall be included in the appropriate signature block.
 - b. Include reference to this approval and to the Zoning Board of Appeals approval pertaining to the granted variances.
 - c. The Architectural Plans shall be coordinated and bound with the Engineering Plans, and the list of drawings on the Engineering Plans Cover Sheet (Sheet CS) shall be expanded to also include each of the architectural sheets. All sheets shall be bound together as a single set.
 - d. Include notes pertaining to the potential future road project and reference the MOU.
6. The applicant shall pay to the Town of Ulster all outstanding professional review fees
7. An inspection and engineering fee in an amount determined by the Building Inspector shall be paid.
8. Upon determination that the final plans are acceptable for endorsement, five (5) copies of said plans shall be provided for subsequent endorsement by the Town Board Chair and Town Board Members as final. One set will be returned to the applicant; the remaining sets will be distributed and retained in accordance with Code Chapter 145 of the Town of Ulster.

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

9. Upon submission of copies of revised final Site Plans evidencing the applicant's compliance with the conditions of this Resolution of Approval, including confirmation of plan revisions by the Town Consulting Planner and Town Engineer, the members of the Town Board and Planning Board shall be authorized to endorse the revised site plans as final. No building permit shall be granted by the Building Inspector until the required final signed print sets are provided to the Town.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the applicant prior to the authorized issuance of a building permit by the Building Inspector:

10. The following shall be submitted prior to issuance of a Building Permit:

A blasting survey and plan for review and acceptance by the Town;

Prior to the issuance of any building permit for the bank or retail lots, detailed Architectural and floor plans shall be submitted for Planning Board / Town Board review and approval.

Approvals shall be received from NYSDOT and NYSDEC (SPDES), and copies thereof provided to the Town.

11. The owner/applicant and contractor(s) shall meet with the Town Attorney, Building Inspector, Town Engineer and others as may be desired by the Town, to review the approved Site Development Plan, Phasing Schedule and other permit agency permits and requirements.

12. The Building Inspector is not authorized to issue a building permit(s) pertaining to the activities and improvements approved herein until the applicant has provided to the Planning Board the required copies of the revised signed final site plans as stipulated herein.

13. Authorized issuance of a building permit(s) by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the final Site Plans signed by the Planning Board Chair and Secretary. Any alteration or deviation from the signed final site plans shall require the prior review and approval by the Planning Board of the Town of Ulster. The Building Inspector shall include reference to the final Site Plans and this Resolution of Approval on any issued building permit(s).

CONDITIONS OF CONSTRUCTION

14. Development of the subject property shall conform to the intent, statements, findings, requirements and mitigation measures set forth on the signed final site plans, and this Resolution of Approval.

15. No construction activity shall commence prior to issuance of an authorized building permit(s).

16. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed and shall be subject to continual maintenance and

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

additional controls as may be required by the Building Inspector, Town Engineer, or their authorized agents. Erosion of excavated soils shall be controlled to prevent discharge of sediments and dust at all times.

17. All requirements of the subsequent NYSDEC approval of the required SWPPP shall be followed.

18. A clean and legible copy of this resolution and a copy of the signed final site plans (as signed by the Town) shall be maintained at the site at all times and presented upon request.

19. All new or replacement site utilities (electric, telephone, cable, etc) shall be installed underground and shall be routed in a single trench where possible to reduce site excavation and disturbances.

20. Construction shall be supervised by a New York State licensed and registered Professional Engineer.

21. Any subsequent alterations, modifications, additions or changes to the approved and constructed improvements shall require the prior review and written approval by the Town as a new, modified and/or amended application for Site Development Plan Approval.

22. Snow removal shall occur internally to the subject property. In accordance with the State Vehicle and Traffic Law, no snow shall be plowed or deposited out onto or across the NYS Route 9W roadway.

CONDITIONS OF OPERATION

23. No signs, lights, flags or other materials or devices, except as approved and detailed on the site plans, shall be permitted to be supported, hung, flown or otherwise attached to site buildings, structures or the site grounds.

24. The access driveway and parking/loading facilities shall be maintained in good working order at all times, and all site and structure improvements shall be regularly maintained in a neat and orderly manner, free of debris, sediment or litter and refuse shall be appropriately stored and covered for disposal.

25. Any subsequent alterations, modifications, additions or changes to the existing or approved facilities shall require the prior review and approval.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The following conditions shall be completed by the applicant prior to the issuance of a Certificate of Occupancy by the Building Inspector:

26. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, all associated site improvements shall be completed and operational, and the Town Engineer shall confirm that

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

all such approved site improvements have been completed in accordance with the final signed site plans.

27. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, an as-built plan showing the installed and completed improvements, certified by the supervising New York State licensed Professional Engineer and a New York State licensed and registered Land Surveyor shall be prepared at the sole expense of the applicant. Copies of said as-built plan shall be provided to the Building Inspector, Town Consulting Planner and/or Town Engineer documenting satisfactory completion of all authorized construction activities and zoning compliance.

28. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, confirmation form NYSDOT in writing of the satisfactory completion of the approved road / access improvements.

29. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, the planting plan shall be completed and inspected by the Town Planning Consultant for compliance with the approved Plans.

30. As a condition of granting and maintenance of a Certificate of Occupancy, the Building Inspector shall require all site improvements be maintained in accordance with this resolution, best management practices, and in strict accordance with all applicable rules, regulations, ordinances and laws.

31. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of said approval, or the revocation by the Building Inspector of any issued Certificate of Occupancy pertaining thereto.

32. A Certificate of Occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building and the use thereof, or use of such land, is in full conformity with the provisions of the Ulster Zoning Ordinance and any requirements made pursuant thereto.

SITE DEVELOPMENT PLAN APPROVAL EXPIRATION

BE IT FURTHER RESOLVED, that all development of the site shall comply with the approved, filed site plan and construction plans and all applicable local laws, regulations and ordinances of the Town of Ulster and any conditions attached to permits issued thereunder; and

BE IT FURTHER RESOLVED, that this approval shall be deemed to authorize only the particular site use and improvements specified herein, and shall be null and void without further written notice, if revised site plans are not signed as final within six (6) months as required above, or a building permit is not obtained and work initiated pursuant thereto within one (1) year, or if the approved improvements are not completed and a Certificate of Occupancy is not obtained within three (3) years from the date of this resolution, or if the construction or use shall

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

cease for more than one (1) year for any reason, or if the approved improvements are not maintained and all conditions and standards complied with; and

BE IT FURTHER RESOLVED, that the time frames set forth in this Resolution of Approval may only be amended or extended by the Town Board. Any request for extension of the approvals granted herein shall be made in writing a minimum of forty-five (45) days prior to the expiration date as stipulated in this Resolution of Approval, and shall state the circumstances for the requested extension.

2nd by Councilman Artist

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Discussion regarding the application of an Open Development Plan for Mary and Samuel DeCicco, 440 Flatbush Road.

Town Attorney, Mary Lou Christiana, stated there is an application before the Town Planning Board for a subdivision where lot lines will remain the same. The buildings are in place already. There is one lot where there is no road frontage. The developer proposes a right-of-way and this needs to be approved by the Town Board. The Planning Board recognized it and referred it to the Town Board to act on. She recommended that the Town Board, according to the law, write a letter to the Planning Board for a recommendation and then at the next Town Board meeting, act on the Planning Board recommendation.

Supervisor Woerner motioned to refer this matter to the Town Planning Board for their determination.

2nd by Councilman Secreto

Four Ayes - Councilman David Brink was absent

Issuance of Site Plan Approval for Cryo Weld on Rt. 9W.

Supervisor Woerner motioned to grant general site plan approval with no conditions with the Town Planner to draft a resolution for the record.

2nd by Councilman Secreto

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Amending Resolution No. 1 (August 9, 1988) “Building Reserve Fund” to include building renovations and improvements.

Supervisor Woerner read and motioned to approve the following:

WHEREAS, the Town Board of the Town of Ulster enacted Resolution No. 1 of 1988, establishing a capital reserve fund pursuant to General Municipal Law Section 6-c, to provide for the acquisition of capital improvements; and

WHEREAS, the Town Board is desirous of amending such fund to allow for the physical public betterment or improvement of capital structures, including any preliminary studies and surveys

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

related thereto, the acquisition of land or rights in land, and the acquisition of any furnishings, equipment, machinery or apparatus by the Town or its sewer and water districts;

NOW, THEREFORE, upon motion duly made and carried, it is hereby resolved as follows:

1. The Town of Ulster is hereby authorized to utilize funds from the capital reserve fund to allow for the physical public betterment or improvement of capital structures, including any preliminary studies and surveys related thereto, the acquisition of land or rights in land, and the acquisition of any furnishings, equipment, machinery or apparatus by the Town or its sewer and water districts.

2nd by Councilman Artist

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Authorizing the Transfer of \$ 8,474.76 from the Landfill Closer Fund to the Building Reserve Fund for the renovations and improvements to Town Hall (Police Department, Outside Entrance and Outside Lighting.

Supervisor Woerner read and motioned the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c (9-a) TO TRANSFER MONIES FROM THE LANDFILL CLOSURE RESERVE FUND TO THE BUILDING RESERVE FUND FOR RENOVATIONS AND IMPROVEMENTS TO TOWN HALL (POLICE DEPARTMENT, OUTSIDE ENTRANCE AND OUTSIDE LIGHTING).

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the “LANDFILL CLOSURE RESERVE FUND” to finance the closing of the Town’s landfill, and,

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund, and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill and,

WHEREAS the money deposited in the Landfill Closure Reserve Fund in the amount of \$1,880,776.43 is no longer needed for this purpose and may be transferred to another capital account pursuant to the authority vested in General Municipal Law Section 6-c (9-a), and

WHEREAS it is proposed to transfer monies from the Landfill Closure Reserve Fund to

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

the Building Reserve Fund as follows: EIGHT THOUSAND-FOUR HUNDRED-SEVENTY-FOUR and 76/100 (\$8,474.76) DOLLARS from said fund for the renovations and improvements to TOWN HALL (POLICE DEPARTMENT, OUTSIDE ENTRANCE AND OUTSIDE LIGHTING),

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to transfer monies from the Landfill Closure Reserve Fund to the Building Reserve Fund in the sum of EIGHT THOUSAND-FOUR HUNDRED-SEVENTY-FOUR and 76/100 (\$8,474.76) DOLLARS from said fund for the renovations and improvements to TOWN HALL (POLICE DEPARTMENT, OUTSIDE ENTRANCE AND OUTSIDE LIGHTING), and it is further,

RESOLVED that this resolution is subject to a permissive referendum.

2nd by Councilman Artist

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Authorizing the Transfer of \$ 8,474.76 from the Landfill Closer Fund to the Building Reserve Fund for the renovations and improvements to Town Hall (Police Department, Outside Entrance and Outside Lighting.

Supervisor Woerner read and motioned the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c OF THE GENERAL MUNICIPAL LAW TO EXPEND MONIES FROM THE BUILDING RESERVE FUND FOR RENOVATIONS AND IMPROVEMENTS TO TOWN HALL (POLICE DEPARTMENT, OUTSIDE ENTRANCE AND OUTSIDE LIGHTING).

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the “BUILDING RESERVE FUND” to finance the acquisition of buildings, and

WHEREAS on November 20, 2006, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster amended the Capital Reserve Fund known as the “BUILDING RESERVE FUND” to include renovations and improvements, and

WHEREAS monies have been deposited in a bank account known as the Building Reserve Fund, and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS said resolution was subject to permissive referendum as provided by Section 81, sub 1, paragraph h, and,

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

WHEREAS it is proposed to expend the sum of: EIGHT THOUSAND-FOUR HUNDRED-SEVENTY-FOUR and 76/100 (\$8,474.76) DOLLARS from said fund for the renovations and improvements to TOWN HALL (POLICE DEPARTMENT, OUTSIDE ENTRANCE AND OUTSIDE LIGHTING),

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from the Building Reserve Fund in the sum of: EIGHT THOUSAND-FOUR HUNDRED-SEVENTY-FOUR and 76/100 (\$8,474.76) DOLLARS from said fund for the renovations and improvements to TOWN HALL (POLICE DEPARTMENT, OUTSIDE ENTRANCE AND OUTSIDE LIGHTING) and it is further,

RESOLVED that this resolution is subject to a permissive referendum.

2nd Councilman Joel B. Brink

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Supervisor Woerner recessed the Town Board for five minutes at 8:25 PM

The Town Board reconvened at 8:31 PM

Resolution establishing Comprehensive Plan Reserve Fund.

Supervisor Woerner read and motioned the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c (4) TO ESTABLISH THE COMPREHENSIVE PLAN RESERVE FUND (FOR THE COMPREHENSIVE PLAN FOR THE TOWN OF ULSTER)

WHEREAS pursuant to Section 6-c (4) of the General Municipal Law as amended, the Town Board may establish capital reserve fund for the financing of all or part of the cost of the construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment.

WHEREAS the Supervisor shall deposited all funds in a bank account known as the Comprehensive Plan Reserve Fund, and

WHEREAS the Supervisor shall be authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

NOW THEREFORE, BE IT RESOLVED

1. The Town Board establishes the Comprehensive Plan Capital Reserve Fund for the financing of all or part of the cost of the Town of Ulster Comprehensive Plan.
2. The Supervisor shall deposit all funds in a bank account known as the Comprehensive Plan Reserve Fund.

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

3. The Supervisor is authorized to invest from time to time the monies of said fund.
4. This resolution is subject to a permissive referendum.
5. This resolution shall take effect immediately.

2nd by Councilman Joel B. Brink

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Authorizing the Transfer of \$ 50,000 from the Landfill Closer Fund to the Comprehensive Plan Reserve Fund for the Comprehensive Plan for the Town of Ulster.

Supervisor Woerner read and motioned the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c (9-a) TO TRANSFER MONIES FROM THE LANDFILL CLOSURE RESERVE FUND TO THE COMPREHENSIVE PLAN RESERVE FUND FOR COMPREHENSIVE PLANNING SERVICES RENDERED BY PLANIT MAIN STREET, INC.

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the “LANDFILL CLOSURE RESERVE FUND” to finance the closing of the Town’s landfill and,

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund and,

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law upon authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill and,

WHEREAS the money deposited in the Landfill Closure Reserve Fund in the amount of \$1,880,776.43 is no longer needed for this purpose and may be transferred to another capital account pursuant to the authority vested in General Municipal Law Section 6-c (9-a) and

WHEREAS it is proposed to transfer monies from the Landfill Closure Reserve Fund to the Comprehensive Plan Reserve Fund as follows: FIFTY THOUSAND and 00/100 (\$50,000.00) DOLLARS from said fund to pay Planit Main Street, Inc for the services rendered relating to the Town of Ulster Comprehensive Plan,

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to transfer monies from the Landfill Closure Reserve Fund to the Comprehensive Plan Fund in the sum of FIFTY THOUSAND and 00/100 (\$50,000.00) DOLLARS from said

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

fund Planit Main Street, Inc for the services rendered relating to the Town of Ulster Comprehensive Plan, and it is further

RESOLVED that this resolution is subject to a permissive referendum.

2nd by Councilman Joel B. Brink

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Authorizing the Appropriation of \$ 50,000 from Comprehensive Plan Reserve Fund for the Comprehensive Plan for the Town of Ulster

Supervisor Woerner read and motioned the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c OF THE GENERAL MUNICIPAL LAW TO EXPEND MONIES FROM THE COMPREHENSIVE PLAN RESERVE FUND FOR THE COMPREHENSIVE PLAN OF THE TOWN OF ULSTER

WHEREAS on November 20, 2006, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the COMPREHENSIVE PLAN RESERVE FUND to finance the cost of the Town of Ulster Comprehensive Plan, and

WHEREAS monies have been deposited in a bank account known as the Comprehensive Plan Reserve Fund, and

WHEREAS the Supervisor was authorized to invest, from time to time, the monies of said fund pursuant to Section 6-f of the General Municipal Law upon authorization of the board pursuant to Section 6-c of the General Municipal Law, and

WHEREAS said resolution was subject to permissive referendum as provided by Section 81, sub 1, paragraph h, and,

WHEREAS it is proposed to expend the sum of: FIFTY THOUSAND and 00/100 (\$ 50,000.00) DOLLARS from said fund for the cost of the Town of Ulster Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from the Comprehensive Plan Reserve Fund in the sum of: FIFTY THOUSAND and 00/100 (\$ 50,000.00) DOLLARS from said fund for the cost of the Town of Ulster Comprehensive Plan and it is further,

RESOLVED that this resolution is subject to a permissive referendum.

2nd by Councilman Artist

A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Councilman Secreto motioned to set a new fee schedule for the 2007 Town Transfer Fee schedule as submitted

2nd by Councilman Joel Brink

**ULSTER TOWN BOARD MEETING
NOVEMBER 20, 2006 AT 7:00 PM**

Supervisor Woerner suggested the matter be tabled until next meeting, so that the fee schedule could be reviewed by the public
Motion and 2nd withdrawn

County Legislator Berardi reported that there was a ribbon cutting ceremony at the Spring Lake Trailer Park. People who had lost their homes during the 2005 flood, were given new homes thanks to the RUPCO, United Way, Red Cross and several other agencies.

Supervisor Woerner stated that the town had contributed to the relief effort by waving the building permit and inspection fees.

Mr. Reno Budziak requested the Town Board confirm if there is a storm water permit pertaining to the neg. declaration for the Birchez Associates, L.L.C senior housing project.
Supervisor Woerner referred the request to the town attorney.

Supervisor Woerner announced that the Town PBA will hold a Thanksgiving Day dinner for all at the Red Lobster on Ulster Avenue.

Supervisor Woerner motioned to enter into executive session at 8:55 PM in regard to a disciplinary action towards a town employee.

Executive session ended at 9:28 PM

Supervisor Woerner motioned to adjourn the meeting at 9:29 PM
2nd by Councilman Artist
A Roll Call Vote was taken – Four Ayes - Councilman David Brink was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk